

REMARKS

In the patent application, claims 1-3, 5-10, and 12-23 are pending.

In the office action, claims 1-3, 6-10, 13-21 and 23 are rejected, and claims 5, 12 and 22 are objected to but would be allowable if rewritten in independent form.

A. The Claimed Invention

Independent claim 1 includes the limitation that 1) the communication device has one or more active connections to each of at least two currently active cellular networks, 2) the communication device obtains information including the number and type of connections currently in use, and 3) the communication device decides whether to allow a new connection based on factors including information about currently active cellular network systems.

As such, the claimed invention requires

“at least two currently active cellular network systems to each of which the communication device has one or more active connections for respective connected applications *simultaneously* hosted by the communication device”; therefore the claimed invention recites *at least two* active connections (i.e., at minimum, [at least] one active connection for each of [at least] two currently active cellular network systems).

B. Claim Rejections under 35 USC §103

At section 4 of the Office Action, claims 1-3, 6-10, 13-21 and 23 are rejected under 35 USC §103(a) as being unpatentable over *Sammarco* (U.S. Patent Application Publication No. 2004/0121781) in view of *Chitrapu* (U.S. Patent Application Publication No. 2004/0092265), and further in view of *Nave et al.* (U.S. Patent No. 7,324,810, hereafter referred to as *Nave*). Of the claims so rejected, the independent claims are claims 1, 8, 16 and 21.

The Examiner states that *Sammarco* discloses a device obtaining information about one currently active cellular network system to which the device has one active connection for connected applications wherein the device gains information about other systems by scanning for alternative communication system. Thus, *Sammarco* teaches “connection to active cellular networks” (page 3, line 5 of the office action).

The Examiner cites *Chitrapu* for disclosing factors including information about currently active network systems.

The Examiner cites *Nave* for disclosing broadcasting of data to large number of users.

As pointed out in Section *C* below, *Sammarco* does not disclose or suggest “connection to active cellular networks” as asserted by the Examiner.

As pointed out in Section *D* below, *Chitrapu* does not disclose factors including the information about currently active cellular network systems.

As pointed out in Section *E* below, *Nave* does not disclose that the information includes the number or type of connections currently in use.

C. The Cited Sammarco Reference

Sammarco does not disclose or suggest “connection to active cellular networks.”

As admitted by the Examiner, *Sammarco* discloses a device obtaining information about **one** currently active cellular network. The Examiner states that *Sammarco* discloses that the device scans for alternate communications systems and, therefore, gains information about other systems (Figure 5, item 130). The Examiner also states that *Sammarco* discloses a multi-mode wireless terminal 10 configured to communicate with at least two types of wireless communication systems 20 and 30 (paragraph [0016]), and that the wireless terminal 10 may be configured to communicate according to two or more wireless communication protocols (paragraph [0018]).

Nevertheless, *Sammarco* does not disclose or suggest the communication device obtaining information about at least two currently active cellular network systems to each of which the communication device has one or more active connections for respective connected applications *simultaneously* hosted by the communication device.

First, scanning for a system is not equivalent to an “active connection” for connected applications. In particular, *Sammarco* discloses scanning for an alternate wireless communication system as a way to detect the availability of an alternative wireless communication system (paragraphs [0030], [0035]). The term “scan” includes any operations for detecting the presence of a wireless communication system, including by searching within a frequency range for one or more control channels or traffic channels, and/or searching for one or

more patterns or code sequence (paragraph [0020]). If the communication device already has an active connection to a particular wireless system, it does not make sense for the communication device to detect the availability or the presence of the already connected wireless system.

Second, according to *Sammarco*, the wireless terminal 10 scans for an alternative wireless communication system only if device 10 has moved out of a selected geographic region. If the wireless terminal 10 has determined to have not moved out of the selected geographic region, it does not scan for an alternate wireless communication system (the operation ends at block 120, paragraph [0035] – note: Figure 5 is erroneous).

Third, *Sammarco* discloses two wireless communication systems 20 and 30. The wireless communication system 20 provides communication services within geographic regions 20a-c, whereas the wireless communication system 30 provides communication services within the geographic regions 30a-b. The geographic regions 30a-b may overlap with some of geographic regions 20a-c (paragraph [0020], Figure 2). When the wireless terminal 10 is located in the selected geographic region 20c, it is registered to receive services from the wireless communication system 20 (paragraph [0022]). When the wireless terminal 10 has moved out of the selected geographic region 20c, it may remain registered with the wireless communication system 20 while scanning for an alternative wireless communication system. With the wireless terminal 10 being located at the region 20b/30a, it may detect the availability of the wireless communication system 30. The wireless terminal 10 may register with wireless communication system 30 and stop using the services of communication system 20 (paragraph [0023]).

In summary, *Sammarco* discloses that when the wireless terminal 10 is located in a selected geographic region, it is registered to receive services from one wireless communication system 20. When it has moved out the selected geographic region, it scans for an alternative communication system. Once it has detected the presence of the communication system 30, it **stops** using the services from the wireless communication system 20 and registers with the communication system 30 instead. Thus, *Sammarco* discloses the wireless terminal 10 has active connections to one wireless communication system at a time.

Sammarco does not disclose or suggest the communication device has active connections to at least two currently active cellular network systems.

D. The Cited Chitrapu Reference

The Examiner admits that *Sammarco* fails to disclose deciding whether to allow establishing a new connection to one of the currently active cellular network systems based on factors including the information about the currently active cellular network systems. The Examiner points to *Chitrapu* for disclosing that feature (Figure 2, items 14a, 22 and 24; Figure 4, Steps S2 and S4; paragraph [0015], lines 1-12; paragraph [0016]-[0017]).

It is respectfully submitted that items 14a, 22 and 24 in Figure 2 are a cell phone, a network A and a network B. In Figure 4, S2 is a step to determine if there is any benefit to switching between networks 26 and 28 (paragraphs [0015], [0022]), and if so, the next step would be S4 for determining whether all the active devices are capable of functioning with the new network (paragraph [0023]). Paragraph [0016] discloses the desired capabilities of a cell phone 14 so that the connections and needs of the cell phone adequately match with a network. Paragraph [0017] discloses the criteria for a PDA as being compatible with networks A and B.

Chitrapu is concerned only with handover (or handoff) performed by a device from an exiting network to a new network (paragraphs [0022]). Before the handover, the device examines the benefit of switching (Figure 4, S2; paragraph [0022]; step (a) in Claim 1) and whether the active devices function with the new network (Figure 4, S4; paragraph [0023]; step (b) in Claim 1). Based on the examinations, the handover will take place (Figure 4, S5; paragraph [0024]).

Since *Chitrapu* does not disclose the communication device obtaining information about at least two currently active cellular network systems to each of which the communication device has one or more active connections for respective connected applications *simultaneously* hosted by the communication device, whatever information or criteria examined by the communication device for handover purposes is irrelevant to the claimed invention.

Chitrapu does not disclose factors including information about currently active network systems as claimed.

E. The Cited Nave Reference

The Examiner admits that *Sammarco* and *Chitrapu* fail to disclose information about the number and the type of connections currently use, but points to *Nave* for disclosing this feature (col. 4, lines 20-65; col.5, lines 14-44).

It is respectfully submitted that *Nave* discloses a system and method wherein a cellular phone network infrastructure is used to broadcast data to consumer masses or a large number of subscribers (Abstract; col.3, lines 1-4). According to *Nave*, the subscribers are equipped with specially designed electronic devices that receive the data from the cellular based station transmitter and display it (col.4. lines 22-24). The specially designed electronic devices are referred to as End User Terminal (EUTs) (col.4, lines 35-40). The cellular phone network infrastructure that is used to broadcast data is a new commercial data broadcasting media (CBM) system. The ETUs are pre-programmed to follow the handshake procedure between a cellular base station and a cell phone belonging to a CS (col.4, lines 40-43). After the handshake procedure between the base station and the CS, any data that is transmitted from the base station and the CS can be received by all the ETU units in the proximity of the base station (col.4, lines 60-65). *Nave* discloses what the CBM administrator does with a chosen CS so that all the ETU units can receive the data transmitted by the base station and the CS (col.5, lines 14-44).

Nave discloses how to allow a large number of subscribers to receive the data transmitted by a base station.

First, each of the ETUs of the subscribers is not equivalent to one of at least two cellular network systems to which the communication device is currently actively connected, and the base station is not equivalent to the communication device currently connected to at least two cellular network systems.

Second, the fact that the base station broadcasts data using a CS so as to allow a number of end user terminals to receive the transmitted data does not suggest that the base station broadcasts the information about the “number” of ETUs.

Third, the fact that the base station broadcasts data using a CS does not suggest that the base station broadcasts the information about the active connections.

Nave does not disclose providing information about the number of connections currently in use. *Nave* does not disclose providing information about the type of connections currently in

use between the communication device and at least two currently active cellular network systems.

F. The Combined Teachings of Sammarco, Chitrapu and Nave

Sammarco does not disclose that the communication device has one or more active connections to each of at least two currently active cellular network systems for connected applications simultaneously hosted by the communication device.

Chitrapu does not disclose the information about currently active cellular network systems.

Nave does not disclose that the information includes the number or type of connections currently in use.

For **anyone** of the above reasons, *Sammarco* in view of *Chitrapu* and further in view of *Nave*, fails to render claim 1 obvious.

Independent claim 8 includes the limitation of a network resource control, responsive to the request to allow establishing the connection, and also responsive to information about at least two currently active cellular network systems to each of which the mobile terminal has one or more active connections for respective connected applications simultaneously hosted by the apparatus, to determine whether to allow establishing the connection based on factors including the information about the at least two currently active cellular network systems wherein the information about connections currently in use includes at least the number and type of connections currently in use.

Independent claim 16 includes the limitation that the apparatus is caused to perform obtaining information about at least two currently active cellular network systems to each of which the apparatus has one or more active connections for respective connected applications simultaneously hosted by the apparatus, wherein the information includes at least the number and type of connections currently in use; and

deciding whether to allow establishing a new connection to one of the currently active

cellular network systems on behalf of another application hosted by the apparatus based on factors including the information about currently active cellular network systems.

Independent claim 21 includes the limitation of means, responsive to information about two currently active networks to each of which a mobile terminal has one or more active connections, for determining whether to allow establishing a connection based on information about the connections currently in use including the number and type of the connections currently in use.

As with claim 1 above, *Sammarco*, in view of *Chitrapu*, and further in view of *Nave*, fails to render independent claims 8, 16 and 21 obvious.

G. Dependent Claims

Dependent claims 2, 3, 6, 7, 9, 10, 13-15, 17-20 and 23 are dependent from claims 1, 8, 16 and 21 and include further limitations. For reasons regarding claims 1, 8, 16 and 21 above, *Sammarco*, in view of *Chitrapu*, and further in view of *Nave*, also fails to render claims 2, 3, 6, 7, 9, 10, 13-15, 17-20 and 23 obvious.

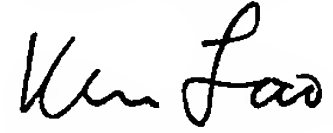
H. Allowable Subject Matter

At section 5 of the Office Action, the Office objects to claims 5, 12 and 22 as being dependent on a rejected base claim, but asserts that claims 5, 12 and 22 would be allowable if rewritten in independent form including all of the limitations of the base claims and intervening claims. Applicants respectfully submit that claims 5, 12 and 22 are allowable in their current form in view of the allowability of claims 1, 8 and 21 from which claims 5, 12 and 22 ultimately depend.

CONCLUSION

Claims 1-3, 5-10 and 12-23 are allowable.

Respectfully submitted,



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